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14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,

18) CASE NO. CR 16-00440 WHA

19 Plaintiff,

20) STIPULATION AND [PROPOSED] ORDER
21) EXCLUDING TIME FROM AUGUST 14, 2018,
22) THROUGH OCTOBER 9, 2018.

23 v.

24 YEVGENIY ALEXANDROVICH NIKULIN,

25)

Defendant.

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)

26 Defendant Yevgeniy Nikulin, represented by Arkady Bukh and Valery Nечай, and the United
27 States, represented by Assistant United States Attorneys Michelle J. Kane and Matthew A. Parrella,
28 hereby stipulate to the following:

1. The parties appeared before the Court on August 14, 2018, for a status conference;
2. The Court set the next appearance for this matter for October 9, 2018, at 2:00 pm for
Competency Hearing;
3. The Court, with the agreement of the parties, has previously designated the case as complex
based on the nature of the prosecution, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii);
4. The parties agreed that the time until the next appearance was necessary for effective

1 preparation and continuity of counsel, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);
2 5. The government and defense therefore agreed that the time between August 14, 2018, and
3 October 9, 2018, is necessary based on the nature of the prosecution and for effective
4 preparation and continuity of counsel, taking into account the exercise of due diligence, and
5 that the ends of justice served by excluding the period from August 14, 2018, through
6 October 9, 2018, from Speedy Trial act calculations outweigh the interests of the public and
7 defendant in a speedy trial, in accordance with 18 U.S.C. § 3161(h)(7)(A) and (B).

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9 IT IS SO STIPULATED.

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11 DATED:

Respectfully submitted,

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13 ALEX G. TSE
United States Attorney

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MATTHEW A. PARRELLA
Assistant United States Attorneys

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VALERY NECHAY
Counsel for NIKULIN

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ARKADY BUKH
Counsel for NIKULIN

1 ~~[PROPOSED]~~ ORDER

2 Based upon the representations of counsel at the August 14, 2018, hearing, and for good cause shown,
3 the Court finds that the case is complex based on the nature of the prosecution. 18 U.S.C. §
4 3161(h)(7)(B)(ii). The Court also finds that failing to exclude the time between August 14, 2018, and
5 October 9, 2018, would unreasonably deny the defendant the reasonable time necessary for
6 preparation and continuity of counsel, taking into account the exercise of due diligence. 18 U.S.C. §
7 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between
8 August 14, 2018, and October 9, 2018, from computation under the Speedy Trial Act outweigh the best
9 interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that
10 the time between August 14, 2018, and October 9, 2018, shall be excluded from computation under the
11 Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(ii), (iv).

14 IT IS SO ORDERED.

15 DATED: August 16, 2018.

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HON. WILLIAM H. ALSUP
United States District Judge